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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear non-proliferation

Working paper submitted by the European Union

Introduction

1. For the European Union, the Treaty on the Non-Proliferation of Nuclear Weapons remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and an important element in the further development of nuclear energy applications for peaceful purposes.

2. The European Union and its Member States emphasize the importance of universalizing the Non-Proliferation Treaty and call on States that have not done so to join the Treaty as non-nuclear-weapon States, and, pending their accession to the Treaty, to pledge their commitment to non-proliferation and disarmament.

3. At the start of a new review cycle, our priority is to uphold and preserve the Non-Proliferation Treaty as a key multilateral instrument for reinforcing international peace, security and stability; promote its universalization; and strengthen its implementation. The three pillars of the Treaty remain equally important and mutually reinforcing and can contribute to a safer world. The European Union therefore calls on all States parties to continue to implement, without delay and in a balanced manner, the 2010 action plan designed to strengthen the three pillars of the Treaty. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and peaceful uses of nuclear energy contained in the action plan will contribute to the objective of achieving a world without nuclear weapons. Likewise, all States parties must continue to implement their commitments pursuant to the consensus Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. The proliferation of weapons of mass destruction and their means of delivery is a growing threat to international peace and security. The European Union is gravely concerned about the risk of State or non-State actors acquiring such weapons or materiel, which is compounded by emerging challenges, such as

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cyberattacks. We need, therefore, to continue to mainstream non-proliferation into our overall policies, resources and instruments.

5. The European Union policy framework supporting internal and global security is enshrined in a number of strategic documents. In 2003, the European Security Strategy listed terrorism and the proliferation of weapons of mass destruction among key threats, with a combination of the two as the most frightening scenario. Also in 2003, the European Union adopted its Strategy against the Proliferation of Weapons of Mass Destruction. In 2008, the European Council adopted new lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems to strengthen the European Union Strategy against the Proliferation of Weapons of Mass Destruction and its implementation. By providing a concrete framework for collective European Union commitment to the fight against proliferation, the new lines for action made it possible to better focus the efforts of the Member States and European institutions.

6. In June 2016, a Global Strategy[1] for the Foreign and Security Policy of the European Union, entitled "Shared Vision, Common Action: A Stronger Europe", was released. The strategy tackles challenges to security today such as energy security, climate change, terrorism and hybrid warfare that need a response that combines aspects of internal and external policies. The strategy is constructed to help the European Union to be vigilant, cohesive and more effective; to take responsibility in its surrounding regions; to promote resilience; and to address conflicts and crises. In dealing with global challenges, the European Union supports effective multilateralism, with the United Nations at its core. The main premise of the strategy is the concept of effective multilateralism, understood, inter alia, as European Union support for the universalization and effective implementation of international treaties and agreements within this domain.

Safeguards

7. The International Atomic Energy Agency (IAEA) Comprehensive Safeguards System is a fundamental component of the nuclear non-proliferation regime and plays an indispensable role in the implementation of the Non-Proliferation Treaty. We underline the primary responsibility of the Security Council in cases of non-compliance. The European Union also recognizes the serious proliferation challenges that continue to be a threat to international security, and the need to find peaceful and diplomatic solutions to them.

8. The first anniversary of the implementation of the Joint Comprehensive Plan of Action was marked on 16 January 2017. The European Union led the negotiations between the E3/EU+3* and the Islamic Republic of Iran leading to the conclusion of the agreement, and it continues to play a key role, notably through European Union High Representative, Federica Mogherini, Coordinator of the Joint Commission, which is composed of the E3/EU+3 and the Islamic Republic of Iran. The Joint Comprehensive Plan of Action is a successful multilateral endeavour endorsed by the Security Council. The European Union remains committed to the Plan of Action,

[1] See http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf.

* China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy.

welcomes the progress made so far in its implementation and underlines the need to continue to ensure its full and effective implementation throughout its entire lifetime, as verified by IAEA. We look forward to the early ratification of the additional protocol by the Islamic Republic of Iran.

9. Comprehensive safeguards agreements, together with additional protocols, constitute the current IAEA verification standard, and the European Union continues to call for their universalization without delay. The additional protocol, which reinforces comprehensive safeguards agreements, provides IAEA with important supplementary tools — broader information and broader access, which significantly increase the Agency's ability to verify the peaceful use of all nuclear material, declared and undeclared. Under an additional protocol, IAEA may also resolve a question or an inconsistency relating to the correctness and completeness of the information provided by a State. For these reasons, the European Union calls on all States that have not yet done so to bring into force an additional protocol without delay.

10. The purpose of a small quantities protocol is to reduce the burden of safeguards implementation for States with little or no nuclear activities. In 2005, the IAEA Board of Governors, as a safeguards-strengthening measure, approved a modified standard text of the small quantities protocol. The European Union urges the remaining States that have not yet amended their protocols to accelerate their efforts so as to maintain the integrity of the Comprehensive Safeguards System.

11. The European Union supports the continued efforts to strengthen the effectiveness of IAEA safeguards through the further development and application of the State-level concept, enhanced capabilities of analytical services, information analysis and technologies. In particular, the European Union is convinced that the consistent and universal application of the State-level concept further strengthens the efficiency and effectiveness of the IAEA Comprehensive Safeguards System and thus contributes to global non-proliferation efforts.

12. For the European Union, the close cooperation between the European Atomic Energy Community (EURATOM) and IAEA allows for effective and efficient safeguards. The European Union also attaches importance to cooperation with IAEA in addressing emerging nuclear technologies that will have an impact on the implementation of safeguards in the future. The European Union is actively supporting the IAEA Comprehensive Safeguards System through the European Commission Safeguards Development and Support programme and the supporting programmes of some of its Member States.

Comprehensive Nuclear-Test-Ban Treaty Organization

13. The European Union considers the Comprehensive Nuclear-Test-Ban Treaty to be of crucial importance to nuclear disarmament and non-proliferation, and its entry into force and universalization remains a top priority. All 28 Member States of the European Union have signed and ratified the Treaty, and the European Union continues to make all efforts to promote the entry into force of the Treaty and, in particular, urges all the eight remaining Annex 2 States to ratify it. The European Union believes that the Treaty contributes to international stability and has proven its effectiveness through its truly global monitoring presence as a powerful and credible verification regime. The political efforts of the European Union have been

complemented by its financial commitment to supporting the Comprehensive Nuclear-Test-Ban Treaty Organization in order to strengthen its verification capabilities, so that the full membership can reap these benefits, including the civil and scientific applications of the monitoring data. In this regard, the adoption by the Security Council of its resolution 2310 (2016), its first-ever resolution specific to the Comprehensive Nuclear-Test-Ban Treaty, 20 years after its opening for signature, was an important development.

Nuclear verification

14. The European Union strongly condemns the nuclear tests and numerous ballistic missile launches conducted by the Democratic People's Republic of Korea, in clear violation of its international obligations under multiple Security Council resolutions. These activities represent a serious threat to international peace and security and undermine the global non-proliferation and disarmament regime. They also underline the necessity of the universalization of the Comprehensive Nuclear-Test-Ban Treaty. The European Union continues to urge the Democratic People's Republic of Korea to re-engage in a credible and meaningful dialogue with the international community, in particular in the framework of the Six-Party Talks, to abide by all its international obligations and abandon its nuclear weapon programme, other weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner and to immediately cease all related activities.

15. The threatening and provocative actions of the Democratic People's Republic of Korea confirm the urgent need to further strengthen the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty. The Democratic People's Republic of Korea is the only State to have conducted nuclear tests in the twenty-first century. These actions aggravate tensions on the Korean Peninsula, to the detriment of all. It is the firm stance of the European Union that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State, in accordance with the Non-Proliferation Treaty. Through its repeated tests and missile launches, the Democratic People's Republic of Korea is making progress towards operational capacity, with negative consequences for the stability in Asia and beyond. The full implementation of sanctions against the Democratic People's Republic of Korea is essential. Furthermore, the remaining loopholes in the sanctions regime need to be addressed.

16. The European Union also recalls the resolution of the IAEA Board of Governors, of 9 June 2011, which concluded that the Syrian Arab Republic is in non-compliance with its safeguards agreement, and urged the Syrian Government to cooperate promptly and transparently with the Agency to resolve all outstanding issues, including through concluding and implementing an additional protocol as soon as possible. Notably, the attempts of the Syrian Government to acquire and use ballistic missiles only add to the suffering of the Syrian people and further undermine efforts to establish peace and security in the region.

17. The European Union underscores the importance of a number of Security Council resolutions, in particular resolution 2231 (2015), which called on the Islamic Republic of Iran not to undertake any activity related to ballistic missiles

designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology.

18. Counter-proliferation sanctions imposed by the Security Council are fully implemented in the Member States of the European Union through European Union law, supplemented by additional autonomous measures adopted by the European Union.

19. The European Union recognizes that negative security assurances strengthen the nuclear non-proliferation regime and calls on all nuclear-weapon States to reaffirm existing security assurances, as noted in Security Council resolution 984 (1995).

Export control regimes/confidence- and security-building measures

20. The European Union attaches great importance to multilateral export control regimes and confidence- and security-building mechanisms, such as the Zangger Committee, the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime and The Hague Code of Conduct, which have established guidelines regarding exports of nuclear, chemical and biological material and missiles and assist us all in preventing proliferation. It is important that the control regimes keep up with current, new and emerging technologies, such as additive manufacturing, synthetic biology and convergence.

21. On 5 December 2016, at its seventy-first session, the General Assembly of the United Nations adopted resolution 71/33 on the Hague Code of Conduct against Ballistic Missile Proliferation, which the European Union fully supported. The European Union calls on all States, in particular those with significant activities in the area of ballistic missiles and space launch vehicles, to adhere to the Hague Code. The European Union will further promote its universalization and, where possible and appropriate, a closer relationship between the Hague Code and the United Nations system. The European Union is also in favour of examining additional multilateral steps to prevent the threat of missile proliferation and promote disarmament efforts in the missile field.

22. All European Union countries follow the European Union control list in order to implement the commitments under the multilateral export control regimes. We strongly support the membership of all 28 European Union Member States in all the international export control regimes, including the Missile Technology Control Regime and the Wassenaar Arrangement, since this would reinforce the efficiency of export controls and contribute to the strengthening of the regimes.

23. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should consider measures aimed at ensuring that nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other explosive devices and that such exports are in full conformity with the objectives and purposes of the Non-Proliferation Treaty. The European Union calls on the Non-Proliferation Treaty States to declare their adherence to the multilaterally negotiated and agreed guidelines. The Nuclear Suppliers Group and the Zangger Committee guidelines and control lists provide the best practices for nuclear-related export controls. The European Union is supportive

of the work of the Nuclear Suppliers Group regime, the strengthening of its guidelines and all efforts that contribute to making these guidelines universal.

Terrorism and nuclear security

24. The risk that terrorists will get hold of and use nuclear or radiological materials, including radioactive sources, needs to be taken into account in the framework of our overall efforts to prevent terrorist acts. The European Union underlines the importance of the International Convention for the Suppression of Acts of Nuclear Terrorism and encourages all States to become parties to the Convention and to comply fully with its provisions. While recognizing that nuclear security remains the responsibility of States, international cooperation contributes to strengthening nuclear security. The Member States of the European Union are strongly committed to ensuring the highest level of nuclear security both in Europe and worldwide.

25. The commitment of the European Union to nuclear security and the progress achieved in recent years are described in detail in a joint staff working document,[7] entitled "European Union efforts to strengthen nuclear security", issued on 16 March 2016.

26. IAEA plays a central role in coordinating global efforts and strengthening the international nuclear security architecture. The European Union and its Member States have actively contributed to international initiatives, including the Global Initiative to Combat Nuclear Terrorism and the Nuclear Security Summit process. The four summits, held between 2010 and 2016, have raised the level of priority accorded to nuclear security on the international agenda. The participating States, as well as the European Union, committed to the implementation of the five action plans adopted at the most recent summit, held in Washington, D.C. in April 2016. The European Union was among four international organizations, along with the United Nations, IAEA and the International Criminal Police Organization (INTERPOL), invited to attend the fourth Nuclear Security Summit, and it participates in the newly established Nuclear Security Contact Group, together with the Member States of the European Union.

27. The entry into force of the amendment to the Convention on the Physical Protection of Nuclear Material, on 8 May 2016, is an essential step in strengthening nuclear security. It requires parties not only to protect nuclear material in international transport but to protect nuclear facilities and nuclear material in domestic storage, use or transport, including by imposing legally binding measures. Moreover, the amendment will help to increase international cooperation in locating and recovering stolen or smuggled nuclear material and in improving the capacity of each State party to take appropriate actions with the aim of preventing acts of sabotage or of mitigating or minimizing the radiological consequences thereof. After the entry into force of the amendment, efforts should focus on both the effective implementation of all provisions by State parties and the universalization of the amended Convention.

[7] See https://ec.europa.eu/transparency/regdoc/rep/10102/2016/EN/10102-2016-98-EN-F1-1.PDF.

Security Council resolution 1540 (2004)

28. For the European Union, Security Council resolution 1540 (2004) remains a key part of the international non-proliferation architecture. Resolution 1540 (2004) has become even more important in the current context, characterized by acute and diffuse threats, in which the distinction between international and internal security has become blurred.

29. The European Union is therefore pleased to see that the comprehensive review conducted in 2016 reaffirmed the centrality, importance and authority of Security Council resolution 1540 (2004) in the multilateral non-proliferation architecture. Moreover, all 28 Member States of the European Union co-sponsored Security Council resolution 2325 (2016), which the Council unanimously adopted on 15 December 2016.

30. The European Union welcomes the fact that Security Council resolution 2325 (2016) places renewed emphasis on coordination between the Security Council Committee established pursuant to resolution 1540 (2004) and international, regional and subregional organizations. Likewise, it welcomes the idea of strengthening the role of the Committee in facilitating technical assistance in the implementation of resolution 1540 (2004), in particular by actively engaging in matching offers with requests for assistance, including through a regional approach.

31. The European Union is currently preparing a new Council decision for a period of three years, designed to help to implement the outcome of the comprehensive review of Security Council resolution 1540 (2004). Building on past fruitful cooperation, the United Nations Office for Disarmament Affairs will again be asked to fulfil the role of implementing partner for this project, in collaboration with the Organization for Security and Cooperation in Europe (OSCE). Through this new Council decision, the European Union will support cooperation and capacity-building at both the national and the regional levels, with special attention to the role of industry and support for relevant initiatives. The new Council decision also envisages closer cooperation between European Union-funded projects implemented by the United Nations Office for Disarmament Affairs and by OSCE and those implemented by the European Commission through the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.

32. Furthermore, recognizing the need to ensure the coordination of efforts at the regional and international levels in order to strengthen a global response, the European Union is actively engaged in outreach to third countries in the areas of non-proliferation and export controls. The European Commission has developed a dedicated export control programme to enhance regulatory convergence and a level global playing field in order to assist third countries to establish well-functioning export control systems and support their compliance with the obligations set out under Security Council resolution 1540 (2004). In order to enhance cooperation, the European Commission will continue the "European Union Partner-to-Partner Export Control Programme for dual-use items", which offers a basis for updating third countries on developments with respect to European Union legislation in order to assist them in establishing well-functioning export control systems.

Weapons of mass destruction free zone in the Middle East

33. The European Union considers that all States of the Middle East region becoming parties to the Non-Proliferation Treaty, the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention would be an important confidence- and security-building measure, which could constitute a tangible step in the direction of a weapons of mass destruction free zone in the Middle East.

34. In early 2017, the European Union Special Envoy for Non-proliferation and Disarmament and the co-conveners met, separately, with representatives of the Panel of Wise Men on Disarmament Issues and Non-Proliferation of the Arab League to renew engagement on this important issue. The European Union supports the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the validity of the goals and objectives adopted by the 2000 Review Conference and the conclusions and recommendations of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The European Union supported the preparations for a conference to begin negotiations on the establishment of a weapons of mass destruction free zone in the Middle East and the efforts of the Facilitator and Ambassador of Finland, Jaakko Laajava. The European Union persistently called on all States in the region to proactively engage with the Facilitator and the co-conveners with the aim of enabling the conference to be convened as soon as possible, on the basis of arrangements freely arrived at by the States of the region. The European Union has repeatedly expressed regret at the postponement of the conference.

35. The European Union maintains the view that dialogue and confidence-building among stakeholders is the only sustainable way to agree on arrangements for a meaningful conference, to be attended by all States of the Middle East on the basis of arrangements freely arrived at by them, as decided by the 2010 Review Conference. To that end, the European Union is ready to facilitate, including with financial support, preparatory discussions among stakeholders.

Outstanding disarmament issues

36. For the European Union, the immediate commencement and early conclusion of negotiations at the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein, remains a clear priority. The European Union calls on all members of the Conference on Disarmament to start negotiations on such a treaty without delay and to begin work on the other issues on the agenda, in line with the adopted programme of work for the Conference on Disarmament (document CD/1864). The European Union also calls on all States possessing nuclear weapons that have not done so to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

37. The European Union is ready to support the work of a high-level expert preparatory group on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, established by General Assembly

resolution 71/259 and complemented by open-ended consultative meetings, to bring the Conference on Disarmament closer to negotiations on this important issue, which would significantly strengthen the nuclear disarmament and non-proliferation architecture.

38. The European Union also supported the adoption of General Assembly resolution 71/67 on nuclear disarmament verification and welcomes the establishment of a group of governmental experts to consider the role of verification in advancing nuclear disarmament. While verification is not an aim in itself, further development of multilateral nuclear disarmament verification capabilities will be required for the achievement and maintenance of a world without nuclear weapons.

European Union commitment/global strategy

39. The European Union Global Strategy on Foreign and Security Policy provides the foundation for the European Union to continue and even step up its efforts in foreign and security policy in the coming years. In line with the Global Strategy, we strongly support multilateral disarmament, non-proliferation and arms control treaties and regimes, especially the implementation of the new START Treaty. Our main modus operandi remains to work with partners, especially the relevant United Nations agencies and regional organizations such as IAEA, OSCE, the Comprehensive Nuclear-Test-Ban Treaty Organization and the African Union, and also industry, academia, civil society and non-governmental organizations.

40. A good example of comprehensive European Union engagement is the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.[1] This is a capacity-building programme with 56 partner countries and 8 regional Centres of Excellence. It is aimed at mitigating biological, radiological and nuclear risks, while nurturing a culture of security and strengthening governance in this specific field. The Centres of Excellence are financed under the Instrument contributing to Stability and Peace, with a budget of €250 million for the years 2010 to 2020.

Conclusion

41. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy contained in the 2010 Non-Proliferation Treaty Action Plan will contribute to the objective of achieving a world without nuclear weapons.

42. The European Union and its Member States agree on the importance of upholding and strengthening the authority and integrity of the Non-Proliferation Treaty, which has contributed to international peace, security and stability for more than 40 years. The Member States of the European Union, today more than ever, remain committed to the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and stress the need for concrete progress in this field, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest arsenals. The European Union and its Member States call for the implementation of all

[1] For more information on this initiative, see http://www.cbrn-coe.eu/.

obligations and commitments assumed under the Treaty or undertaken during the previous Review Conferences.

43. The European Union stresses the overriding importance of a successful outcome of the 2020 Review Conference and will fully support the Chairs of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in order to ensure a successful review cycle.

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